

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JACOB RATIGAN,

Plaintiff,

v.

No. 2:18-cv-00949-JB-KBM

CURRY COUNTY DETENTION CENTER, and
CURRY COUNTY DETENTION CENTER
MEDICAL STAFF,

Defendants.

ORDER TO CURE DEFICIENCIES

Before the Court is Plaintiff's Prisoner Civil Rights Complaint. Plaintiff is incarcerated at the Curry County Detention Center. He alleges prison officials were deliberately indifferent to his medical needs. To the extent Plaintiff wishes to pursue civil rights claims under 42 U.S.C. § 1983, his filing is deficient because it is not on the proper form and is not signed under penalty of perjury. *See Gibson v. City of Cripple Creek, Colo.*, 48 F.3d 1231 (10th Cir. 1995) (unpublished) (Prisoner's civil complaint was required to set forth "a short plain statement of his claims showing that he is entitled to relief."); Fed. R. Civ. P. 11(a) (requiring every pleading to be signed "by a party personally if the party is unrepresented"). Plaintiff's filing is also deficient because he did not prepay the \$400 civil filing fee or filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

The Court will allow Plaintiff to cure the above deficiencies within thirty (30) days of entry of this Order. He must include the civil action number (18-cv-00949-JB-KBM) on all papers he files. Failure to timely cure the deficiencies may result in dismissal of this action without further notice. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) requires that

... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court[s'] orders.'').

IT IS ORDERED that within thirty (30) days of entry of this Order, Plaintiff must: (1) submit a sworn civil rights complaint on the proper form; and (2) prepay the \$400 filing fee or, alternatively, file a motion to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the Clerk's Office is directed to mail to Plaintiff, together with a copy of this Order, a form § 1983 civil rights complaint and a form motion to proceed *in forma pauperis*.


UNITED STATES MAGISTRATE JUDGE